

REMARKS

This reply is filed in response to the office action dated May 22, 2005.

Reconsideration of the application and the claims is respectfully requested.

Claim Rejection – 35 U.S.C. §101

Claims 1-16 were rejected under 35 U.S.C. §101. Without conceding to the propriety of the rejection, applicants are amending independent claims 1, 10, 14 and 16 to recited “computer-implemented method” in order to advance the prosecution of the application. It is believed that the amended claims now overcome the rejection.

Claim Rejection – 35 U.S.C. §112

Claims 3-5 were rejected under 35 U.S.C. §112, second paragraph. Again without conceding to the propriety of the rejection, applicants are amending claims 3-5 to recite “are” rather than “can be.” Accordingly, applicants respectfully request that the rejection under this section be withdrawn.

Claim Rejection – 35 U.S.C. §102(e)

Claims 1-5, 10-12, 14, 16, 17, 20 and 22-25 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication No. US2001/0053991 (Bonabeau). In this reply, applicants respectfully traverse the rejection of independent claims 1, 10, 14, and 22 and their dependent claims. Independent claims 16, 17 and 20 are being amended.

Bonabeau appears to disclose generating new business models in an environment of existing business methods. Specifically, Bonabeau describes simulating business models and determining how those simulated business models perform in order to create improved business methods. Figure 6 cited in the Office Action appears to show those

simulated business models, which are bred to develop a new business model. Figure 6 does, not disclose or suggest predefined business performance models.

On the other hand, the present application is directed to analyzing a business activity to determine what performance criteria is important to that activity, then based on that determination, selecting a business performance model from a plurality of predefined business performance models. As described in the specification, for example, each of the plurality of predefined business performance models function to measure one or more specific performance criteria such as punctuality, fluidity, accessibility, or response-time. Of course, as a note, these specific performance criteria are listed here for examples only, and the present application, except as may be explicitly claimed in dependent claims, neither requires those criteria nor limits the criteria to those listed only.

In the present application, depending on the business activity and what performance criteria is important to that business activity, a particular predefined business performance model is selected and applied to that business activity, thereby monitoring that business activity against some specific performance criteria. To that end, independent claims 1, 10, 14 and 22 in the present application recite “analyzing” a business activity or performance criteria of a business activity and “selecting at least one predefined business performance model from a plurality of predefined business performance models...”

Bonabeau does not anticipate at least these elements of the claims as recited. To reiterate, Bonabeau’s business models do not disclose or suggest “business performance models” claimed in the present application. Further, Bonabeau’s simulated business models do not disclose or suggest “monitoring a business activity,” that is, an operational


business activity based, on the "business performance models" claimed in independent claims 1, 10, 17, 20 and 22. For at least the same foregoing reasons, dependent claims that are pending in the present application are believed to be patentable by virtue of their dependencies.

Claim Rejection – 35 U.S.C. §103(a)

With respect to section 103 rejection, the claims rejected under this section are dependent claims. Because neither Bonabeau nor Van der Aalst discloses, suggests, or teaches their independent base claim as explained above, it is submitted that these dependent claims are also not obvious over Bonabeau and the Van der Aalst.

The claims are believed to be patentable and a favorable Office Action is hereby earnestly solicited. If a telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is requested to telephone the number provided below.

Respectfully submitted,


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